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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,608	06/28/2001	Ciprian Agapi	6169-208	5102

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EXAMINER

SHORTLEDGE, THOMAS E

ART UNIT PAPER NUMBER

2654

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/894,608

Applicant(s)

AGAPI ET AL.

Examiner

Thomas E. Shortledge

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 3 and 13 recite the limitation "said association" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitt et al. (An Improved Auditory Interface for the Exploration of Lists).

As to claims 1, 7, and 11, Pitt et al. teach:

dynamically grouping selecting items in a list based on sequentially positioned symbols in said items which are common to one another (sorting file names and groups together those which share a common string of characters, col. 1 page 56);

audibly presenting each group (file names) label through a speech interface (using speech to provide a list of the files available, col. 1, page 57); and, responsive to a selection of one of said audibly presented group labels, presenting through said speech user interface items in a group corresponding to said selected group (the down key causes the program to move down to the next level in the hierarchy, selecting the file name that was last spoken, col. 2, page 57).

As to claims 2, 8, and 12, Pitt et al. teach:

parsing a list of items into component symbols (grouping file names based on a determined string length, and strings of characters shared between them, (col. 2, page 56). It is necessary to parse each of the strings to find the strings into the correct length of characters, then to compare each of the parsed strings with each to find those that match);

identifying among said parsed items sequentially positioned component symbols which are common as between at least two of said items (any filenames which share a string of characters are placed in a group, col. 2, page 56); and,

associating in a group at least two items having said identified component symbols in common, (any filenames which share a string of characters are placed in a group, col. 2, page 56).

As to claims 3 and 13, Pitt et al. teach:

forming a label based on said sequentially positioned component symbols which are common as between said at least two of said items (strings that share strings of characters that are the same are group together, in a group that represents the shared character string, col. 2, page 56); and,

assigning said formed label to said association, (naming the group of filenames, col. 2, page 56).

As to claims 4, 9 and 14, Pitt et al. teach:

sorting said list alphabetically based on initial symbols in said items in said list (sorting the filenames alpha-numerically, col. 2, page 56);

further sorting said list alphabetically based on subsequent sequentially encountered symbols in said items in said list (further sorting the filenames into those which have purely alphabetical extensions, those with numerical extensions, and those with alpha-numeric extensions)

As to claims 6 and 16, Pitt et al. teach the labeling step comprises the step of forming a label comprising said initial and subsequent sequentially encountered symbols in said items in said list, which are common as between at least two of said items (the filenames sharing the character string, "SORT" are all placed within that group, col. 2, page 56).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitt et al.

As to claims 5 and 15, Pitt et al. does not explicitly teach the step of ignoring article symbols when performing said sorting steps. However, Pitt et al. teach sorting the filenames based on a determined character string length, then similar strings are grouped, (col. 2, page 56). It would have been obvious to one of ordinary skill in the art that as the filenames are parsed into the determined lengths, articles symbols would be ignored, given that filenames are only grouped based on the comparison of the parsed strings.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (571)272-7628. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER

TS  
5/25/2005